

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants : Dr. Günter HALMSCHLAGER et al. Group Art Unit: 1731
Appln. No. : 09/646,119 Examiner: J. Fortuna
Filed : January 21, 2000 Confirmation No.: 3782
§ 371 Date : October 30, 2000
For : MACHINE AND PROCESS FOR PRODUCING A MULTI-LAYERED
FIBROUS WEB

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF AND
SUBMISSION OF CORRECTED SECTION OF APPEAL BRIEF**

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Notification of Non-Compliant Appeal Brief of May 13, 2009, which set a response period of one month, Appellants submit herewith, on a separate page, a corrected section (5) "*Summary of the Claimed Subject Matter*," that addresses the formalities identified by the Patent Appeal Center Specialist in the Notification.

The corrected section (5) submitted herewith provides a summary for each of the independent claims on appeal.

As the requisite fee under 37 C.F.R. 1.17(c) was submitted for the filing of the Appeal Brief, Appellant submits no fee is due at this time for consideration of the pending appeal. However, if for any reason a fee is deemed necessary, the undersigned authorizes the charging of any filing fees for the Appeal Brief and/or any necessary extension of time fees to Deposit Account No. 19 - 0089.

(5) SUMMARY OF THE CLAIMED SUBJECT MATTER

The instant invention is directed to a machine for producing a multi-layered fibrous web, e.g., a paper or cardboard web, in which the layers created by each former are couched together, i.e., connected. (Specification page 1, lines 3 - 6).

The following descriptions are made with respect to the independent claim and include references to particular parts of the specification. As such, the following is merely exemplary and is not a surrender of other aspects of the present invention that are also enabled by the present specification and that are directed to equivalent structures or methods within the scope of the claims.

Independent claim 46 is directed to a machine for the production of a multi-layered fibrous web. The machine includes at least two formers 10, 12 for forming at least two layers A, B (and C and D) in which each layer has a higher content of fines on one side (symbolically indicated as the base of a triangle) respectively (specification page 7, lines 9 - 20; and Figures 1, 3, and 4 (and layers Band C in Figures 2 and 5)), and a couching zone in which the at least two layers are couched together (in couching zone 30) such that each layer's A and B (or B and C) side having a higher content of fines (symbolically indicated as the base of a triangle) contact each other. (Specification page 7, line 26 - page 8, line 2; and Figure 1). At least one of the at least two formers includes at least one gap former. (Specification page 2 lines 20 - 21; and Figure 3).

Independent claim 53 is directed to a machine for the production of a multi-layered fibrous web. The machine includes at least two formers 10, 12 for forming at least two layers B, C in which each layer has a higher content of fines on one side (symbolically indicated as the

base of a triangle) respectively, (specification page 9, lines 8 – 12; and Figures 2 and 5), a couching zone 30 in which the at least two layers B, C are couched together such that each layer's side having a higher content of fines (symbolically indicated as the base of the triangle) contact each other, (specification page 9, line 16 – 22; and Figures 2 and 5). At least one of the at least two formers 10, 12 comprises at least one gap former 10 including two circulating continuous dewatering belts 14, 16 convergingly arranged to form a headbox nip 18, and in which said dewatering belts are guided in an area of said headbox nip over a forming element 20; and a headbox 24 arranged to supply a fibrous suspension to said headbox nip 18. The at least one gap former 10 comprises a first gap former 10 and a second gap former 12 arranged to form at least two layers A, B, wherein the higher content of fines side (symbolically indicated as the base of the triangle) of said at least two layers occurs on a forming element side, and the web travel directions of said first and second gap formers 10, 12 are opposite each other, and a first layer B created in said first gap former 10 is guided together with at least one of said two dewatering belts around a deflection element 28, and then introduced via a continuous belt 36, traveling in a generally opposite direction to a stream direction of said headbox 24, into said couching zone 30 in which the first layer B and a second layer C formed by said second gap former 12 are couched together so that their sides having a higher content of fines (symbolically indicated as the base of the triangle) come into contact with each other. (specification page 8, line 18 – page 9, line 22; and Figures 2 and 5).

Independent claim 75 is directed to a process for the production of a multi-layered fibrous web. The process includes forming at least two layers via at least two formers 10, 12, such that each layer A, B (and C and D) has a side with a higher fines content (symbolically indicated as the base of a triangle) (specification page 7, lines 9 – 20; and Figures 1, 3, and 4 (and layers Band

C in Figures 2 and 5)), and couching together the at least two layers A and B (or B and C) in a couching zone 30 so that the sides with higher fines content (symbolically indicated as the base of a triangle) contact each other. (Specification page 7, line 26 – page 8, line 2; and Figure 1). At least one of the at least two layers is formed by at least one gap former. (Specification page 2, lines 20 – 21; and Figure 3).

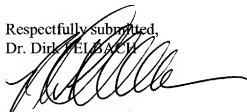
Independent claim 81 is directed to a process for the production of a multi-layered fibrous web. The process includes forming at least two layers via at least two formers 10, 12, such that each layer B, C has a side with a higher fines content (symbolically indicated as the base of the triangle), (specification page 9, lines 8 – 12; and Figures 2 and 5), and couching together the at least two layers B, C in a couching zone 30 so that the sides with higher fines content (symbolically indicated as the base of the triangle) contact each other. (specification page 9, line 16 – 22; and Figures 2 and 5). At least one of the at least two layers B is formed by at least one gap former 10 comprising two circulating continuous dewatering belts 14, 16 that run together forming a headbox nip 18 and which are guided in the area of the headbox nip 18, loaded with a fibrous suspension by a headbox 24, over a forming element 20, the at least one gap former 10 comprises a first gap former 10 and a second gap former 12 arranged to form at least two layers B, C, wherein the higher content of fines side (symbolically indicated as the base of the triangle) of said at least two layers occurs on a forming element side, and the first and second gap formers 10, 12 are operated in opposite web travel directions, and a first layer C formed in the first gap former 10 is guided together with at least one of the two dewatering belts 14, 16 around a deflection element 28, and then via a continuous belt 34 is introduced in a direction generally opposite to the travel direction of a first headbox 24 into the couching zone 30 in which the first layer B and a second layer C formed by the second gap former 12 are couched together so that

their sides having a higher content of fines (symbolically indicated as the base of the triangle) come into contact with each other. (specification page 8, line 18 – page 9, line 22; and Figures 2 and 5).

CONCLUSION

Appellant requests that this corrected section (5) be included in the record for review by the Board of Patent Appeals and Interferences in reviewing the pending matter.

Respectfully submitted,
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